

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK MAYES,

Plaintiff(s),

v.

INTERNATIONAL MARKETS LIVE et
al,

Defendant(s).

CASE NO. 2:22-cv-01269-TL

ORDER STRIKING SURREPLY

This matter is before the Court on its own motion, upon review of the record. Plaintiff proceeds *pro se*, or without legal representation. Following Defendants' motion to dismiss and compel arbitration (Dkt. No. 35), Plaintiff filed numerous responses to the motion in addition to the single response brief permitted by the local rules of this District (Dkt. Nos. 39, 42, 44, 45, 46, 50, and 51). This in turn prompted Defendants to file two motions to strike (Dkt. Nos. 43, 48) in addition to their reply brief (Dkt. No. 40). The Court struck these filings following Defendants' motion and ordered a new briefing schedule, permitting Plaintiff to consolidate all his arguments into one consolidated response brief and permitting Defendants one reply brief. Dkt. No. 52 at 3.

1 The Parties complied with this briefing schedule, and Defendants filed a reply brief on June 23.
2 Dkt. No. 54. Defendants' motion is now ripe for the Court's consideration.

3 However, Plaintiff yet again filed a surreply (Dkt. No. 55) in contravention of the local
4 rules and this Court's prior order. "[I]t is axiomatic that pro se litigants, whatever their ability
5 level, are subject to the same procedural requirements as other litigants." *Munoz v. United States*,
6 28 F.4th 973, 978 (9th Cir. 2022). Absent a court order, surreplies in this District are strictly
7 limited and may only be filed if: (1) it is limited to a request to strike material in a reply brief;
8 (2) the party files a notice of intent to file a surreply as soon as possible after the reply brief is
9 received and then files the surreply within five days of the reply brief; and (3) it is limited to
10 1,050 words (or three pages if handwritten) in length. LCR 7(g).

11 Here, Plaintiff's surreply does not appear to be limited to a request to strike any material
12 from Defendants' reply brief and is therefore impermissible. Plaintiff also failed to file a notice
13 of intent (although the surreply itself was timely filed) or certify that the surreply is 1,050 words
14 or less, as required by LCR 7(e)(6). Further, Plaintiff's surreply is confusing, would take some
15 time for the Court to decipher without contributing to the substantive issues for this Court's
16 consideration, and appears to add additional arguments in support of his position. Therefore,
17 Plaintiff's surreply violates the local rules. This also again runs contrary to this Court's mandate
18 and intention to proceed in this proceeding in an orderly and efficient manner. *See* Dkt. No. 52 at
19 2–3 ("Numerous unnecessary filings also impede the efficient and speedy resolution of a
20 matter.").

21 Accordingly, Plaintiff's unauthorized surreply (Dkt. No. 55) is hereby STRICKEN. The
22 Court will not consider the surreply, nor any future filings that are not previously authorized by
23 the Court, in considering Defendants' pending motion to dismiss and compel arbitration. Plaintiff
24 is warned yet again that continuing to ignore the applicable rules and this Court's orders may

1 result in the imposition of sanctions by this Court. Sanctions may include an order to pay a
2 penalty, to pay Defendants a portion of their fees and costs to respond to pleadings filed in
3 violation of the rules or the Court's orders, or of dismissal of this case.

4 Dated this 3rd day of July 2023.

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7 Tana Lin
8 United States District Judge
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